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Fresno, California

December 19, 2000

The City Council met in joint session with the Joint Powers Financing Authority and the Redevelopment Agency at the hour of 8:44 a.m., and thereafter in regular session in the Council Chambers, City Hall, on the day above written.

Present:	Garry Bredefeld	Acting Council President
	Chris Mathys	Councilmember
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Councilmember
	Tom Boyajian	Council President

Andy Souza, Interim City Manager
Daniel Fitzpatrick, Agency Executive Director
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

(8:30 A.M.) JOINT MEETING WITH THE JOINT POWERS FINANCING AUTHORITY (JPFA) AND REDEVELOPMENT AGENCY

(A) JOINT HEARING TO CONSIDER APPROVAL OF CERTAIN DOCUMENTS RELATED TO THE ISSUANCE OF TAX ALLOCATION BONDS SERIES 2001

- 1. RESOLUTION - APPROVING ISSUANCE BY THE JPFA OF NOT TO EXCEED \$10,000,000 ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF TAX ALLOCATION BONDS SERIES 2001; AUTHORIZING EXECUTION AND DELIVERY OF A LOAN AGREEMENT; APPROVING THE FORM OF OFFICIAL STATEMENT; AND AUTHORIZING EXECUTION OF DOCUMENTS AND THE TAKING OF ALL NECESSARY ACTIONS RELATING TO THE FINANCING WITH THE JPFA (AGENCY ACTION)**
- 2. RESOLUTION - AUTHORIZING THE ISSUANCE AND SALE OF TAX ALLOCATION BONDS; AUTHORIZING THE PROCUREMENT OF BOND INSURANCE; APPROVING THE FORMS OF A TRUST AGREEMENT, LOAN AGREEMENT, BOND PURCHASE CONTRACT AND AN OFFICIAL STATEMENT; AUTHORIZING THE EXECUTION AND DELIVERY THEREOF; AND AUTHORIZING THE TAKING OF ALL NECESSARY ACTIONS RELATING TO THE ISSUANCE OF THE BONDS (AGENCY ACTION)**
- 3. AUTHORIZE THE AGENCY DIRECTOR TO SIGN ALL DOCUMENTS AND TO TAKE OTHER ACTIONS REASONABLY NECESSARY TO CARRY OUT THE ISSUANCE OF THE BONDS**

Chair Ronquillo made a motion to continue the hearing to January 9th and brief discussion ensued on whether the issue would go back before the Housing and Community Development Commission (HCDC). Agency Director Fitzpatrick clarified the HCDC had seen all the numbers and stated he and the City Attorney would make a final review and take the matter back to the HCDC only if substantial changes were made.

relative to the issuance of Tax Allocation Bonds Series 2001 continued to January 9, 2001, by the following vote:

Ayes	:	Steitz, Ronquillo
Noes	:	None
Absent	:	Patterson

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The joint meeting with the Joint Powers Financing Authority and Redevelopment Agency adjourned at 8:48 a.m. and the City Council continued in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF DECEMBER 5, 2000

On motion Councilmember Perea, seconded by Councilmember Quintero, duly carried, RESOLVED, the Agency minutes of December 5th approved as submitted.

(A) DIRECT CITY ATTORNEY TO REQUIRE THE DIAMOND GROUP SHAREHOLDERS WHO OWN A 10% OR MORE INTEREST TO PROVIDE THEIR 1997 THROUGH 1999 TAX RETURNS, CURRENT CREDIT REPORT AND CURRENT FINANCIALS TO THE AGENCY AND COUNCIL - COUNCILMEMBER MATHYS

Briefly reviewed by Councilmember Mathys who made a motion to direct the City Attorney as outlined above.

Barbara Hunt, 944 “F” Street, spoke in support of the issue.

Councilmember Steitz seconded the motion, and Councilmember Perea made a motion to continue the matter to January 9, 2001, stating he had been up for recognition first. Brief discussion ensued.

A motion of Councilmember Mathys, seconded by Councilmember Steitz, to direct the City Attorney to require Diamond Group shareholders who own a 10% or more interest to provide their 1997 through 1999 tax returns, current credit report and current financials to the Agency and Council failed, by the following vote:

Ayes	:	Mathys, Steitz
Noes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo
Absent	:	None

(“B”) JOINT RESOLUTION NO. 2000-361 AND 1574 - APPROVE AMENDMENT NO. 1 TO AN OWNER PARTICIPATION AGREEMENT (OPA) DATED 10/21/99, BETWEEN THE AGENCY AND FOUNDRY PARK INVESTORS, LP, REGARDING LAND IN THE SOUTH VAN NESS INDUSTRIAL REDEVELOPMENT PLAN AREA TO: (1) ADD WILLOW CREEK-FOUNDRY VENTURES, LLC, A NEVADA LIABILITY COMPANY (“WILLOW CREEK”) AS A PARTY, AND (2) EXTEND THE TIME WITHIN WHICH THE DEVELOPER MUST SATISFY THE CONDITIONS OF THE OPA

Redevelopment Administrator Murphey reviewed the staff report as submitted and recommended approval.

W. Garland, advised who the principals were, where they resided, and type of tenants anticipated.

On motion of Councilmember Perea, seconded by Chair Ronquillo, duly carried, RESOLVED, the above entitled Joint Resolution No. 2000-361/1574 approving the amendment to provide for: (1) extension of approximately 12 months (from 18 to 30 months) or until 4/30/02, for completion of all conditions from the 10/21/99, "Effective Date" of the original agreement, and (2) reflect the new ownership interest of Willow Creek-Foundry Ventures, LLC for undeveloped land within Phase II of the Foundry Park Project hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	None

(“C”) APPROVE THE SECOND AMENDMENT TO THE AGREEMENT WITH BOYLE ENGINEERING FOR DESIGN SERVICES OF WATER AND SEWER RELATIVE TO THE FEDERAL ECONOMIC DEVELOPMENT ADMINISTRATION GRANT FOR ROEDING INDUSTRIAL BUSINESS PARK (AGENCY ACTION)

Redevelopment Administrator Murphey reviewed the staff report as submitted and recommended approval. A motion and second was made to approve staff's recommendation and Ms. Murphey and Director Fitzpatrick responded to questions of Councilmember Steitz relative to the process and appropriateness of the Flood Control District helping to pay for the work.

Barbara Hunt, 944 'F' Street, spoke to the issue.

On motion of Councilmember Perea, seconded by Councilmember Quintero, duly carried, RESOLVED, the Second Amendment to the Agreement with Boyle Engineering Corporation hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	None

(“D”) APPROVE A COMMERCIAL REHABILITATION LOAN FOR ADAM HAUTER, OWNER/OPERATOR OF THE FRESNO STREET MARKET (AGENCY ACTION)

A motion and second was made to approve staff's recommendation as submitted.

Barbara Hunt, 944 "F" Street, spoke in opposition.

On motion of Councilmember Mathys, seconded by Chair Ronquillo, duly carried, RESOLVED, the established specific project area criteria for the Commercial Rehabilitation Loan Program to expand and include the Jefferson Redevelopment Project Area hereby waived; and the Executive Director or his designee authorized to sign the loan agreement with the Hauter Family and necessary related documents subject to final review and approval as to form by the City Attorney, by the following vote:

Noes : None
Absent : None

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The joint bodies adjourned at 9:12 a.m. and the City Council convened in regular session at 9:14 a.m. with all members present.

Monsignor Logan of Holy Spirit Catholic Church gave the invocation, and District 4 Assistant Kinebrew led the Pledge of Allegiance to the Flag.

PROCLAMATION FOR MARGE HINCKLY (ADD-ON)

PRESENTATION BY ASSEMBLYMAN BRIGGS FO RESOLUTIONS OF COMMENDATION TO OUTGOING MAYOR PATTERSON AND COUNCILMEMBERS MATHYS, STEITZ AND BREDEFELD

PROCLAMATION OF CEDAR VISTA HOSPITAL DAY - ACTING PRESIDENT BREDEFELD **(2 - 0)**

PROCLAMATION OF K-JEWEL DAY - ACTING PRESIDENT BREDEFELD

PROCLAMATION OF GOODWILL INDUSTRIES DAY - COUNCILMEMBER MATHYS

RESOLUTIONS OF COMMENDATION TO SHIRLEY PHARIS, KENNETH SNIDER AND MARTIN VARGAS - COUNCILMEMBER MATHYS

PROCLAMATION FOR CITY ATTORNEY HILDA CANTU MONTOY (ADD-ON)

The above proclamations, presentations and resolutions were read and made.

President Boyajian thanked his staff, the City Clerk, City Attorney, and Council and their staffs for all their assistance during his tenure, and Councilmember Mathys thanked President Boyajian for his leadership.

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APPROVE MINUTES OF DECEMBER 12, 2000

On motion of Councilmember Perea, seconded by Councilmember Quintero, duly carried, RESOLVED, the minutes of December 12th approved as submitted.

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APPROVE AGENDA:

(5B) * DIRECT ANY ACTUAL SALES TAX REVENUES ABOVE AND BEYOND THAT PROJECTED IN THIS FISCAL YEAR'S BUDGET UP TO \$500,000 FOR THE CONSTRUCTION OF THE SENIOR ACTIVITY CENTER AT SIERRA HOSPITAL

Laid over to January 9, 2001, at the direction of Councilmember Perea.

(11:00 A.M.) REPORT FROM STAFF REGARDING THE RESTORATION PROJECT AT THE AMTRAK STATION INCLUDING AVAILABLE OPTIONS - COUNCILMEMBER MATHYS

1. APPEARANCE BY GARY TIMAN VIGEN, VIGEN ASSOCIATES, REGARDING THE AMTRAK STATION

Removed from the agenda; to be rescheduled next year.

(5C) DISCUSSION REGARDING PALM LAKES GOLF COURSE - COUNCILMEMBER STEITZ

Councilmember Steitz requested the matter be considered prior to going into closed session.

REQUEST TO SET A SPECIAL MEETING ON DECEMBER 20TH TO RECONSIDER ACTION TAKEN ON DECEMBER 18TH RELATIVE TO THE GENERAL PLAN - COUNCILMEMBER STEITZ

Councilmember Steitz made a motion to hold a special meeting on December 20th to reconsider action taken December 18th and to give direction to staff. Brief discussion ensued.

On motion of Councilmember Steitz, seconded by Councilmember Perea, duly carried, **RESOLVED**, a special meeting hereby scheduled for Wednesday, December 20th at 12:30 p.m. to reconsider action taken December 18th and to give direction to staff, by the following vote:

Ayes	:	Mathys, Perea, Quintero, Steitz
Noes	:	Bredefeld, Ronquillo, Boyajian
Absent	:	None

(10:15 A.M.) HEARING ON PLAN AMENDMENT NO. A-00-15, REZONING APPLICATION NO. R-00-33, AND ENVIRONMENTAL ASSESSMENT NO. A-00-15, R-00-33, FILED BY RALPHE. AND BARBARA LOVELACE, PROPERTY LOCATED ON THE NORTHWEST CORNER OF W. KEARNEY BOULEVARD FRONTAGE ROAD AND S. WEST AVENUE (REFER BACK TO STAFF)

Referred back to staff.

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, **RESOLVED**, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

(1A-1) DETERMINING THAT FREEDOM FORD IS NON-RESPONSIVE TO THE SPECIFICATIONS; AND AWARD A ONE-YEAR REQUIREMENTS CONTRACT FOR USED LIGHT DUTY VEHICLES TO HEDRICK'S HALLOWELL CHEVROLET FOR BID ITEMS 1-5 AND TO DECKER FORD FOR BID ITEMS 6-8, WITH PROVISION FOR TWO ONE-YEAR EXTENSIONS

(1A-2) AWARD A CONTRACT FOR SECTION "A" TO TRON CONSTRUCTION IN THE AMOUNT OF \$1,668,000 TO PROVIDE ACOUSTICAL INSULATION OF HOMES AROUND THE FRESNO YOSEMITE INTERNATIONAL AIRPORT UNDER THE SMART NOISE COMPATIBILITY PROGRAM

(1A-4) RESOLUTION NO. 2000-362 - APPROVING AN AGREEMENT WITH THE CALWA RECREATION AND PARK DISTRICT TO USE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING FOR THE SOLE PURPOSE OF REPLASTERING THE DISTRICT'S PUBLIC SWIMMING POOL; AND AUTHORIZING THE CITY MANAGER TO ENTER INTO SAID AGREEMENT

(1A-6) * RESOLUTION NO. 200-363 - 79TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$294,100 FOR THE SHIELDS AND BELMONT AVENUE MEDIAN ISLAND IRRIGATION PROJECTS

1. AWARD A CONTRACT TO LOCKWOOD GENERAL ENGINEERING IN THE AMOUNT OF \$172,665 FOR THE BELMONT AVENUE MEDIAN ISLAND IRRIGATION PROJECT

(1A-7) REJECT THE BID RECEIVED FOR A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS DUE TO A NEW MEMORANDUM OF UNDERSTANDING PROVIDING A UNIFORM ALLOWANCE TO BUS OPERATORS WHICH MAKES THIS CONTRACT UNNECESSARY

(1A-8) AWARD A CONTRACT TO AMERON INTERNATIONAL IN THE AMOUNT OF \$1,124,436.11 FOR THE PURCHASE OF PVC LINED REINFORCED CONCRETE PIPE TO BE INSTALLED IN CONJUNCTION WITH THE PLANNED NORTH AVENUE ROAD PROJECT

(1A-11) * RESOLUTION NO. 2000-364 - 9TH AMENDMENT TO PAR 2000-184 TRANSFERRING ONE (1) ENGINEERING TECHNICIAN POSITION FROM THE DEPARTMENT OF PUBLIC UTILITIES TO THE DEPARTMENT OF PUBLIC WORKS

(1A-12) * RESOLUTION NO. 2000-365 - 10TH AMENDMENT TO PAR 2000-184 TRANSFERRING ONE PARKING CONTROLLER POSITION FROM THE COMMUNITY PARKING DIVISION TO THE CENTRAL AREA PARKING DIVISION

(1A-13) APPROVE THE SUBSTITUTION OF ADVANCED FIBER OPTICS, INC., IN PLACE OF FIBER LINK TELECOM GROUP, FOR SPLICING AND TESTING OF FIBER OPTIC CABLE FOR THE TRAFFIC SIGNAL SYNCHRONIZATION PROJECT

(1A-14) RESOLUTION NO. 2000-366 - ACCEPTING PETITION, DETERMINING TO UNDERTAKE CERTAIN COMMUNITY FACILITIES DISTRICT PROCEEDINGS, AND AUTHORIZING CERTAIN ACTIONS WITH RESPECT TO COMMUNITY FACILITIES DISTRICT NO. 5 - FOUNDRY PARK PUBLIC IMPROVEMENT PROJECT

(1A-14) CONTINUED:

a. RESOLUTION NO. 200-367 - DECLARING OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM THE PROCEEDS OF SPECIAL TAX BONDS ISSUED ON BEHALF OF PROPOSED CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 5 - FOUNDRY PARK PUBLIC IMPROVEMENT PROJECT

(1A-15) RESOLUTION NO. 2000-368 - APPROVING FINAL MAP OF TRACT NO. 4951, PHASE III OF VESTING TENTATIVE TRACT NO. 4357, AND ACCEPTING DEDICATED PUBLIC USES THEREIN, NORTHEAST CORNER OF W. SIERRA AND N. HAYES AVENUE ALIGNMENT

a. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT, STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE, AND STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR TEMPORARY OFF-SITE DRAINAGE FACILITIES FOR TRACTS 4951 AND 4826

b. AUTHORIZE THE DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN

(1A-16) RESOLUTION NO. 2000-369 - APPROVING FINAL MAP OF TRACT NO. 4945 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED ON THE EAST SIDE OF N. DANTE BETWEEN W. BULLARD AND W. BROWNING AVENUES

a. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT, AND STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE

b. AUTHORIZE THE DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT TO PLANT AND MAINTAIN FRONT YARD TREES

(1A-17) RESOLUTION NO. 2000-370 - ACCEPTING THE OFFER OF THE GRANT AGREEMENT FOR FRESNO-CHANDLER DOWNTOWN AIRPORT OF FAA AIRPORT IMPROVEMENT PROGRAM GRANT FOR FEDERAL FISCAL YEARS 2001, 2002, 2003 AND 2004 FOR AIRFIELD ENTITLEMENT IMPROVEMENT PROJECTS AND AIRFIELD DISCRETIONARY IMPROVEMENT PROJECTS; AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE ALL REQUIRED DOCUMENTATION

a. RESOLUTION NO. 2000-371 - ACCEPTING FOR FRESNO-CHANDLER DOWNTOWN AIRPORT GRANT MATCH FUNDING FROM THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION - AERONAUTICS PROGRAM TOWARD GRANT AGREEMENT FOR AIRPORT IMPROVEMENT PROGRAM GRANTS FOR FEDERAL FISCAL YEARS 2001, 2002, 2003 AND 2004; AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE ALL REQUIRED DOCUMENTATION

(1A-18) RESOLUTION NO. 2000-372 - ACCEPTING FAA AIRPORT IMPROVEMENT PROGRAM GRANT FOR FEDERAL FISCAL YEAR 2001 FOR FRESNO YOSEMITE AIRPORT TERMINAL, CONCOURSE AND AIRFIELD ENTITLEMENT IMPROVEMENT PROJECTS AND AIRFIELD DISCRETIONARY IMPROVEMENT PROJECTS; AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE ALL IMPLICATED DOCUMENTATION

(1A-19) RESOLUTION NO. 2000-373 - ACCEPTING THE OFFER OF THE GRANT AGREEMENT FOR FRESNO YOSEMITE INTERNATIONAL AIRPORT OF FAA AIRPORT IMPROVEMENT PROGRAM GRANT FOR FEDERAL FISCAL YEARS 2001, 2002 2003 AND 2004 FOR FAR PART 159 NOISE COMPATIBILITY PROGRAM ACTIVITIES; AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE ALL REQUIRED DOCUMENTATION

(1A-20) * RESOLUTION NO. 2000-374 - APPROVING THE RECLASSIFICATION OF CONTINGENCY APPROPRIATIONS IN THE COUNCIL AND MAYOR ELECT BUDGETS

(1A-22) RESOLUTION NO. 2000-375 - AUTHORIZING THE PURCHASE OF ONE STAR MACHINE AND TOOL COMPANY DOUBLE SPINDLE BRAKE DRUM LATHE, MODEL #53-DS FOR FRESNO AREA EXPRESS WITHOUT ADVERTISED COMPETITIVE BIDDING UNDER THE SOLE SOURCE EXCEPTION, FOR AN AMOUNT NOT TO EXCEED \$46,000 INCLUDING TAX AND FREIGHT

(1A-23) APPROVE THE NEW GREEN LED PROGRAM

a. * RESOLUTION NO. 2000-376 - 84TH AMENDMENT TO AAR 200-183 APPROPRIATING \$1,008,000 FOR REIMBURSABLE MATERIAL COSTS ASSOCIATED WITH P. G. & E'S GREEN LED PROGRAM

On motion of Councilmember Steitz, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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(9:30 A.M.) WORKSHOP REGARDING SOLID WASTE RECYCLING, GREEN WASTE, COMMERCIAL AND RESIDENTIAL PROGRAMS - COUNCILMEMBER QUINTERO

1. PROVIDE DIRECTION REGARDING ALLEY CUSTOMERS
2. PROVIDE DIRECTION REGARDING SPECIAL CHRISTMAS TREE COLLECTION SERVICE
3. AUTHORIZE THE DIRECTOR TO SIGN AN AMENDMENT TO THE BFI CONTRACT EXTENDING RECYCLING COLLECTION SERVICE
4. AUTHORIZE THE DIRECTOR TO SIGN A MINOR AMENDMENT TO THE USA WASTE TRANSFER STATION AGREEMENT
5. PROVIDE DIRECTION REGARDING SOLID WASTE SERVICE TO CALWA CUSTOMERS

Interim Director of Public Utilities McIntyre gave an overview and reviewed the issues of residential, commercial and recycling programs including alley collection, displaying photographs to illustrate, and making recommendations **(3 - 0)**, all as contained in the staff report as submitted.

Speaking to various issues were: Barbara Hunt, 944 "F" Street; Dallas Debatin, 109 N. Glenn; William Milton, 1307 N. Calaveras; Alice Brandenburg, USA Waste, 4333 E. Jefferson, who requested the same consideration for Pinedale as Calwa; Mark Scozzari, BFI, 1625 E. Shaw, who spoke to the issue of past due payments and requested resolution, with Interim City Manager Souza responding staff would work with BFI on associated issues; and Anne Goodman, 1296 N. Poplar.

Mr. McIntyre responded to comments and issues raised relative to employee security, Calwa service, and graffiti; continued his presentation and reviewed the issues of AB 939 compliance, the Christmas tree collection program, service to city customers in the Calwa area stating Pinedale was being included for discussion and recommended the City continue collection services assumed and explained, requested direction on contract modifications relative to transfer station facilities and collection of green waste; and responded to questions of Councilmembers Perea and Mathys relative to status of alley conversion, cost to keep alley service and passing that cost on to only customers receiving alley service, alley widths on Huntington Boulevard, the Christmas tree program and savings derived without curb pickups, the BFI contract, cost savings with privatization, bond debt service, landfill rates/dumping fees, and the Christmas tree program. Councilmember Mathys made a motion to direct staff to: (1) continue with the proposal to dispose of Christmas trees in the green recycling containers and provide special assistance to those who need it, and (2) provide alley service for those with alleys 17 feet in width or larger.

Councilmember Quintero commented on the issues of negotiations with BFI and USA Waste (**4 - 0**), the Christmas tree collection program and lack of communication with other departments, and lack of communication with the Jackson Neighborhood Association relative to alley service and expressed his concerns. Upon question of Councilmember Steitz, Mr. McIntyre stated staff's recommendation for alley service was in line with the Mayor's Executive Order. President Boyajian commented on the importance of respecting neighborhoods and staff communicating with Council and the neighborhoods stating customers were willing to pay additional costs for services, requested staff provide a list of alleys in his district under 17 feet in width, and stressed those who wanted alley pickup should have alley pickup. Brief discussion ensued.

On motion of Councilmember Quintero, seconded by Councilmember Perea, duly carried, RESOLVED, (1) the Director of Public Utilities authorized to proceed with the amendment with BFI and minor amendment with USA Waste as outlined in the staff report and subject to City Attorney approval as to form, (2) staff directed to meet with USA Waste for full Pinedale service and with BFI for full Calwa service including the overpayment issue, and (3) staff directed to meet further with Councilmembers and the community on the alley service issue and return with legislation action in the form of an ordinance on how to implement the conversion, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

On motion of Councilmember Mathys, seconded by Acting President Bredefeld, duly carried, RESOLVED, staff directed to continue with the proposal of disposing Christmas trees in the green recycling containers and provide special assistance to those who need and request it, by following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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(9:55 A.M.) APPEARANCE BY WILLIAM MILTON, SR. TO DISCUSS THE FENCE LOCATED ACROSS HEDGES AT BLACKSTONE AVENUE

Appearance made with Mr. Milton requesting direction from the City Attorney and removal of the fence and elaborated.

Anne Goodman, spoke in support of keeping the fence.

President Boyajian stated he would schedule the issue at his next neighborhood meeting to obtain neighborhood consensus and there was no further discussion.

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(10:00 A.M.) HEARING ON CITY OF FRESNO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 25 - TRACT NO. 4947

- 1. RESOLUTION NO. 2000-377 - ANNEXING TERRITORY TO CFD NO. 2 AND AUTHORIZING THE LEVY OF A SPECIAL TAX**
- 2. RESOLUTION NO. 200-378 - CALLING A SPECIAL MAILED-BALLOT ELECTION**
- 3. RESOLUTION NO. 2000-379 - DECLARING ELECTION RESULTS**
- 4. * BILL NO. B-81 - ORDINANCE NO. 2000-82 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2001-2002 AND FUTURE TAX YEARS WITHIN THE RELATING TO CFD NO. 2, ANNEXATION NO. 25**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. A motion and second was made to approve staff's recommendation, and City Engineer Salazar gave a brief overview of the issue.

Barbara Hunt, 944 "F" Street, spoke to the issue. Councilmember Perea briefly left the meeting at 11:40 a.m.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Ronquillo, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Resolution Nos. 2000-377, 2000-378 and 2000-379 hereby adopted, and the above entitled Bill No. B-81 adopted as Ordinance No. 2000-82, by the following vote:

Ayes	:	Bredefeld, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	Mathys
Absent	:	Perea

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(10:30 A.M.) HEARING TO CONSIDER APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF TENTATIVE PARCEL MAP NO. 2000-16 AND ENVIRONMENTAL FINDINGS, FILED BY DWAYNE ZINKIN, PROPERTY LOCATED ON THE NORTHWEST CORNER OF N. BLACKSTONE AND W. EL PASO AVENUES

- 1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION NO. TPM-2000-16**
- 2. RESOLUTION NO. 2000-379-A - CONDITIONALLY APPROVING TENTATIVE PARCEL MAP NO. 2000-16**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Councilmember Perea returned to the meeting at 11:43 a.m.

Planning Manager Beach reviewed the issue and staff report as submitted, and along with Attorney Robert Rosati representing the appellant Blackstone Venture I, responded to questions of Councilmember Mathys relative to the appeal and why the matter was back before Council when prior direction was made. **(5 - 0)** Councilmember Mathys stated past direction was clear and it would be unfair to reverse that position, and made a motion to affirm the Planning Commission's action to create the parcels, which was seconded and later acted upon.

City Attorney Montoy and Mr. Beach responded to questions of President Boyajian and Acting President Bredefeld and/or clarified issues relative to options before Council this date, agreement already reached between property owners, who the principals of Blackstone Venture I were, staff's recommendation to proceed, and why no impact fees were being required by Caltrans for this or other commercial projects. Mr. Rosati stated at issue was the procedure being utilized to subdivide the parcel and explained.

Attorney Jim McKelvey, 1690 W. Shaw, representing the applicant, Dwayne Zinkin, spoke in support of staff's recommendation stating all legal requirements had been satisfied.

Development Director Yovino, Mr. McKelvey and Mr. Zinkin responded to questions of Councilmembers Perea and Steitz relative to status of the nexus study with Caltrans and if it included northeast commercial development, why Caltrans continues to send letters identifying dollar amounts without a completed study, if the nexus study would be including commercial as well as residential, if the policy, once in place, would be retroactive, and if Caltrans had met with and requested the applicant to contribute to any interchange fund. Councilmember Steitz expressed his concern and stated Council should reject any kind of fee being requested by Caltrans and explained.

Barbara Hunt, 944 "F" Street, spoke to the issue.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Mathys, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the appeal hereby denied and the mitigated negative declaration for Environmental Assessment No. TPM-2000-16 approved; and the appeal denied and the above entitled Resolution No. 2000-379A approving Tentative Parcel Map No. 2000-16, subject to compliance with the Conditions of Approval dated October 23, 2000, hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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(5A) * CONSIDER AMENDING THE SCHEDULE OF DRAINAGE COSTS AND FEES - COUNCILMEMBER RONQUILLO

1. * RESOLUTION - AMENDING MFS RES. 80-420 TO UPDATE THE DRAINAGE FEES FOR THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT (FMFCD PROPOSAL)
2. * RESOLUTION - AMENDING THE STORM DRAINAGE AND FLOOD CONTROL MASTER PLAN AND AMENDING THE DRAINAGE FEES AND COSTS FOR EACH LOCAL DRAINAGE AREA FOR ALL DEVELOPMENTS WITHIN THE JOINT AREA OF THE CITY OF FRESNO AND THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT (FMFCD PROPOSAL)

Doug Harrison, FMFCD, summarized the background of the matter, clarified at issue was the annual cost adjustment process as required by ordinance, stated since no adjustments had been made by the City's administration the last two years the District was now facing a matter of potentially serious deficits and explained, requested Council move forward and update the cost schedules by adopting the resolutions, and addressed items contained in staff's report.

Public Works Director Williamson stated there were issues of concern and recommended Council defer taking action so that staff could negotiate and work out issues with the District and explained.

Councilmember Steitz concurred with Mr. Williamson and made a motion to approve staff's recommendation; advised of issues that came out of economic development meetings relative to fees; and presented questions relative to whether an appropriate nexus study had been completed, how raising fees could be justified, and if City staff had reviewed FMFCD's engineering study, with City Attorney Montoy, Mr. Harrison and Mr. Williamson responding. Councilmember Steitz reiterated his motion to delay the matter 90 days stating there would be no incentive for the FMFCD to meet with the City if the proposed fees were adopted this date.

Mr. Harrison responded to questions and comments of Councilmember Ronquillo relative to the need for the FMFCD to work with the City and come up with a formula. Acting President Bredefeld stated a number of issues were raised that warranted further discussion and participation by the new Council, and seconded Councilmember Steitz' motion. Lengthy discussion ensued with Mr. Williamson, Mr. Harrison and Ms. Montoy responding to questions of Councilmembers Ronquillo and Quintero relative to adopting some of the ordinance provisions, if the FMFCD's memorandum dated 12/15/00, was submitted to the entire Council **(6 - 0)**, why the annual update had not occurred and the two years of non-action being due to a decision by the City's prior administration, reason why the issue was now being brought to Council, liability issues relative to the failure to update fees, need for the FMFCD to shift fees around, and the community losing with the failure to update fees.

Interim City Manager Souza stated he disagreed with Mr. Harrison professionally on this matter and stated staff needed to work with the District and would return with a comprehensive ordinance and fee structure. Mr. Harrison responded briefly to questions of President Boyajian relative to the District's dealings with the past administration, how long the City had been requested to update the fees, and if this could jeopardize inner-city projects.

On motion of Councilmember Steitz, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the issue of updating drainage costs and fees deferred 90 days to allow staff to meet and negotiate with the Fresno Metropolitan Flood Control District on various issues and return with a comprehensive ordinance and fee structure, by the following vote:

Ayes	:	Bredefeld, Perea, Ronquillo, Steitz
Noes	:	Mathys, Quintero, Boyajian
Absent	:	None

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LUNCH RECESS - 12:54 P.M. - 2:33 P.M.

(1A-5) ADOPT MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND THE FRESNO POLICE OFFICERS ASSOCIATION, NON-SUPERVISORY POLICE UNIT 4 (FPOA)

a. * RESOLUTION - 8th AMENDMENT TO SALARY RES. 2000-186 AMENDING SECTION 2, SUBSECTION G-3 AND EXHIBIT 4 (DISCUSSED AGAIN LATER)

Interim City Manager Souza responded to questions of Councilmember Steitz relative to the fiscal impacts and potential funding sources. Councilmember Steitz stated the new Council should make the determinations on where the funds would come from and made a motion to table the issue for the new Council and staff's recommendations on funding sources.

Councilmember Mathys spoke in support of the pay increases stating public safety was the number one priority and the department should be rewarded for decreasing crime and doing a good job. Mr. Souza responded to questions of Acting President Bredefeld and Councilmember Perea relative to potential funding sources, the yearly increases and impacts, percentage recommended by City, and the police department absorbing some of the additional cost. President Boyajian stated good points were being made on both sides and stated his problem was the potential of taking money from parks and recreation. Councilmember Steitz emphasized major general fund cuts would have to be made and reiterated his motion to postpone the matter until at least January 9th for recommendations from staff. President Boyajian questioned if Councilmember Steitz would include as part of his motion the police department being looked at first for the needed funds, whereupon the determination was made to wait for Chief Winchester to arrive and answer questions. (Discussed after the next item.)

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(1A-21) APPROVE A COMMUNICATIONS SITE LICENSE AGREEMENT ALLOWING PACIFIC BELL WIRELESS TO INSTALL A MINIATURE CELL SITE TO COVER THE INTERIOR OF THE FRESNO CONVENTION CENTER

Councilmember Steitz advised his questions had been answered and thanked Pacific Bell for all their work. Brief discussion ensued on the agreement, term, and how much revenue the Convention Center would be receiving.

On motion of Councilmember Steitz, seconded by Councilmember Quintero, duly carried, **RESOLVED**, the Communications Site License Agreement with Pacific Bell Wireless hereby approved, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	None
Abstain	:	Ronquillo

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(1A-5) ADOPT MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND THE FRESNO POLICE OFFICERS ASSOCIATION, NON-SUPERVISORY POLICE UNIT 4 (FPOA)

a. * RESOLUTION NO. 2000-380 - 8th AMENDMENT TO SALARY RES. 2000-186 AMENDING SECTION 2, SUBSECTION G-3 AND EXHIBIT 4 (CONTINUED FROM EARLIER)

Chief Winchester arrived and upon question of Councilmember Perea stated his department was not prepared to absorb the approximately \$1.1 to \$1.2 million first year overage from the City's \$2.6 million offer. Discussion ensued on what the understanding was during negotiations relative to where the money would come from, with Chief Winchester and Interim City Manager Souza responding to questions. Councilmember Perea stated this was why it was important for Council to get involved in the negotiation process at the front end as opposed to the back end when large amount of city money was being committed and other general fund departments would be taking the hits.

James Lawson and Larry Bertao, representing the Fresno Police Officers Association (FPOA), responded to questions of Councilmember Perea relative to whether FPOA would stand behind Council's objection if staff came back with the position that officers would be taken off streets if the department was considered for funding. **(7 - 0)** Discussion ensued on FPOA's understanding that the City had an additional \$30 million to absorb the costs with Mr. Souza stating that was a misunderstanding and clarified issues.

Lengthy discussion ensued and questions and comments were made by Councilmembers Perea and Ronquillo relative to vacancies within the department, number of positions that would total the needed \$1.1 million and holding off on filling those positions, if FPOA opposed cuts within the department to pay for the contract, if FPOA and the City ever reconciled whether the \$30 million was fact or not, if it was the understanding that the Mayor's 2% offer would come from general fund departments other than the police department, the cost of living index, and if an increase in sales tax revenues was anticipated, with Chief Winchester, Mr. Souza, Mr. Bertao, and Labor Relations Manager Aguiniga responding to questions.

Councilmember Ronquillo stated the increase over the next two years was not too dramatic a jump and would be money well spent, and made a motion approve the MOU and resolution, which motion was seconded and later acted upon. Additional comments and discussion ensued relative to keeping the current number of officers versus hiring additional ones, the Mayor's strategy when 2% was offered, increases for other labor groups, average growth of the general fund, the labor relations process, police department vacancies, whether a Council review of the proposed cuts could be made a condition of approval, length of employee contracts, and the importance of non-sworn personnel to front line enforcement.

On motion of Councilmember Ronquillo, seconded by Councilmember Mathys, duly carried, RESOLVED, the Memorandum of Understanding between the City and the Fresno Police Officers Association (FPOA) hereby adopted, and the above entitled Resolution No. 2000-380 adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo
Noes	:	Boyajian
Absent	:	None
Abstain	:	Steitz

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(1A-3) * RESOLUTION NO. 2000-381 - 7TH AMENDMENT TO SALARY RES. 2000-186 MODIFYING THE EFFECTIVE DATE FROM AUGUST 2, 2000, TO JULY 1, 2000, OF THE MEMORANDUM OF UNDERSTANDING (MOU) WITH THE AMALGAMATED TRANSIT UNION (ATU), LOCAL 1027

Labor Relations Manager Aguiniga responded to questions of President Boyajian relative to reason the issue was before Council and if retroactivity had been looked at.

On motion of Councilmember Perea, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 2000-381 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	Boyajian
Absent	:	None

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(1A-9) APPROVE PROFESSIONAL SERVICES AGREEMENT WITH BLAIR, CHURCH & FLYNN FOR TRANSPORTATION ENGINEERING SERVICES FOR IMPROVEMENTS TO FRIANT ROAD BETWEEN AUDUBON AND SHEPHERD AVENUES

Public Works Director Williamson responded to questions of President Boyajian relative to project costs and funding source. Councilmembers Bredefeld, Perea and Ronquillo left the meeting at 3:33 p.m. City Engineer Salazar responded to additional questions relative to who made the allocations and final determinations, when the improvements would be made, and if the construction funds were allocated and ready for expenditure. Councilmember Perea returned to the meeting at 3:40 p.m. Brief discussion ensued on the Peach Avenue project and funding, and the Ashlan/Cornelia and Ashlan/99 signal projects, with Mr. Salazar responding to questions.

On motion of Councilmember Steitz, seconded by Councilmember Quintero, duly carried, RESOLVED, the civil engineering services agreement with Blair, Church & Flynn in the amount of \$95,1000 hereby approved, and the Public Works Director authorized to sign the agreement on behalf of the City, by the following vote:

Ayes	:	Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Bredefeld, Ronquillo

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(3A) * BILL NO. B-80 - ORDINANCE NO. 2000-82 - REPEALING ARTICLE 29 OF CHAPTER 2 AND ADDING ARTICLE 29 TO CHAPTER 2 TO THE FRESNO MUNICIPAL CODE RELATING TO FRESNO CITY-COUNTY AND CONVENTION CENTER MANAGER AND MANAGEMENT

On motion of Councilmember Perea, seconded by Councilmember Steitz, duly carried, RESOLVED, the above entitled Bill No. B-80 adopted as Ordinance No. 2000-82, by the following vote:

Ayes	:	Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Bredefeld, Ronquillo

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(2:00 P.M.) CLOSED SESSION:

(A) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6 - CITY NEGOTIATORS: JORGE AGUINIGA, ANDREW SOUZA AND MATTHEW GARGIULO - EMPLOYEE ORGANIZATIONS: INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753, NON MANAGEMENT FIRE AND FIRE MANAGEMENT (IAFF)

(B) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:

1. NEAL MANHA V. COF, ET AL.
2. A.H.D.C. V. COF, ET AL.

(C) CONFERENCE WITH LEGAL COUNSEL -DECIDING WHETHER TO INITIATE LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (c) - CASE NAME: CITY OF FRESNO V. LONG CONSTRUCTION, INC., FRESNO CONVENTION INVESTORS, INC.; BUD LONG, INC., DBA FRESNO CONVENTION INVESTORS

JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY:

(A) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GOVERNMENT CODE SECTION 54956.8 - COUNCILMEMBER STEITZ:

PROPERTY: PALM LAKES GOLF COURSE

NEGOTIATING PARTIES: REDEVELOPMENT AGENCY, CITY OF FRESNO, AND PETER STRAVINSKI -
UNDER NEGOTIATIONS: OFFER TO CONVEY INTEREST, IF ANY, ARISING FROM A 1984 DEED FROM STRAVINSKI TO THE CITY OF FRESNO EQUIPMENT CORP. FOR PALM LAKES GOLF COURSE PROPERTY

The Council met in regular and joint closed session with the Redevelopment Agency to consider the above issues and reconvened in open session at 4:03 p.m. Councilmember Ronquillo arrived later in the meeting.

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(3:30 P.M.) CONTINUED HEARING ON PLAN AMENDMENT NO. A-00-02, CONDITIONAL USE PERMIT APPLICATION NO. C-00-58, AND ENVIRONMENTAL ASSESSMENT NO. A-00-02, C-00-58, FILED BY GRANUM PARTNERS, PROPERTY LOCATED ON THE NORTH AND WEST CORNERS OF E. PERRIN AVENUE AND E. CHAMPLAIN DRIVE (3 ACRES ON THE NORTH CORNER AND 5.6 ACRES ON THE WEST CORNER)

1. ADOPT MITIGATED NEGATIVE DECLARATION NO. A-00-02, C-00-58, DATED 11/3/00
2. **BILL NO. B-82 - ORDINANCE NO. 2000-84** - AMENDING THE DOMINION PLANNED COMMUNITY SPECIFIC PLAN PROJECT REPORT
3. **RESOLUTION NO. 2000-382** - APPROVING CONDITIONAL USE PERMIT APPLICATION NO. C-00-58

President Boyajian announced the time had arrived to consider the issue and reopened the hearing for Council deliberations only noting the hearing had been officially closed last week.

Acting President Bredefeld gave a brief overview of the issue. City Attorney Montoy clarified the library was not a part of the project request, advised her office had determined there was insufficient evidence in the record to support the library being made a condition of approval, advised of options available to Council, and along with applicant representative Dirk Poeschel, neighborhood resident Mr. O'Neal, and Planning Manager Haro responded to questions of Acting President Bredefeld and/or clarified issues relative to Granum's commitment for the library, delaying the project to conduct a nexus study, status of the agreement submitted by Fresno County for Granum Partners to sign relative to construction of a library, **(8 - 0)** timeline to sign the agreement and commence construction, meeting of the Dominion Homeowners Association and their position/vote on the PC-1 and pathway/trails issue, staff's position on traffic issues, the library moving forward with approval of the two subject parcels, staff's clarification with the applicant on which mitigated measures would apply to the two parcels, and with Attorney Motschiedler on the maximum limit of 25% retail uses on both corners, and if staff would work with and assist the Dominion Homeowners' Association on the trail issue.

Acting President Bredefeld spoke in support of the project and ensuring the library gets built, and made a motion to: (1) approve staff's recommendation, (2) require trails as shown on the Dominion Specific Plan with the installation deferred to allow the applicant to post securities to cover the installation costs, (3) request the Dominion Homeowners Association to adopt a comprehensive trail plan for the four corners, and (4) direct staff to work with the homeowners' association on trail locations, which was seconded and acted upon after additional brief discussion.

Fresno County Librarian Kallenberg, Mr. Poeschel and Mr. Eiger responded to questions of President Boyajian and Councilmembers Quintero and Mathys relative to other library projects and priorities, if the subject library would deter from the downtown library, number of regional libraries in the city, if there were any signed tenant leases or letters of intent, anticipated percentage of pads to be sold and leased, other development projects being constructed and properties owned by the applicant, and ability to attract tenants to the subject project.

On motion of Acting President Bredefeld, seconded by Councilmember Quintero, duly carried, RESOLVED, (1) the finding of the Mitigated Negative Declaration for Environment Assessment No. A-00-02, C-00-58, dated November 3, 2000, hereby approved; (2) the above entitled Bill No. B-82 approving Plan Amendment No. A-00-02 proposing to amend the Park Fort Washington Planned Community Ordinance Project Report dated March 12, 1982, adopted as Ordinance No. 2000-84 as follows: (a) Permit the uses as delineated in the memorandum attached to the staff report entitled Proposed Uses-Granum Development dated November 16, 2000, within the office-restaurant (Site 3) and office-financial (Site 2) plan designations (as shown on Exhibits C and D, respectively in the staff report, (b) Increase the permitted square footage within the west corner (Site 3) of the intersection from 54,650 square feet to 66,800 square feet and reduce the permitted square footage on the north corner (Site 2) of the intersection from 32,500 to 23,625 square feet (amending Page 17 from EXISTING (Exhibit A) to PROPOSED (Exhibit B) documents attached to the staff report); (3) the above entitled Resolution No. 2000-382 approving Conditional Use Permit No. C-00-58 hereby adopted, subject to the following conditions: (a) Development shall take place in accordance with Exhibits A-1 and A-2 through F dated November 21, 2000; (b) Development shall take place in accordance with the Special Permit Conditions of approval dated November 21, 2000 ; and (c) Development shall take place in accordance with the General Conditions to project approval on file in the Development Department; (4) the trails as shown on the Dominion Specific Plan hereby required and the installation to be deferred to allow the applicant to post securities to cover the installation costs, (5) the Dominion Homeowners Association requested to adopt a comprehensive trail plan for the four corners, and (6) staff directed to work with the homeowners' association on trail locations, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Ronquillo

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(4:30 P.M.) * BILL - AMENDING SECTION 9-408 OF THE FRESNO MUNICIPAL CODE RELATING TO PRIVATE SOLID WASTE COLLECTION ROUTE PERMITS AND SERVICE LOCATION PERMITS - COUNCILMEMBER STEITZ

Councilmember Steitz reviewed the issue stating this would give people a choice in choosing who they wanted to pick up their commercial and industrial solid waste, stated he was presenting the ordinance to see if there was any support noting there were still issues to be worked out but it would not make sense for staff to spend time on it if there was no Council support for introduction, responded to questions of President Boyajian, and made a motion to introduce the ordinance adding it would be months before the ordinance would be back for adoption. Upon question of President Boyajian, City Attorney Montoy clarified the subject proposal related to the permitting process to allow some privatization, and noted there were some legal concerns and research would be needed adding it would take place if the ordinance were to be introduced.

President Boyajian opened the issue to public testimony and called for the first speaker. Noting Councilmember Steitz' motion did not receive a second, Councilmember Perea made a motion to deny the matter and move on to the next issue, whereupon Councilmember Quintero seconded Councilmember Steitz' motion for discussion purposes.

Upon question of Alex Correa, Councilmember Steitz explained what introduction of the ordinance would entail. Councilmember Quintero and President Boyajian expressed their frustration with Councilmember Quintero stating related issues had been discussed in the morning session and it seemed like Council was going “round and round” with staff and he was not getting the right information, and President Boyajian stating Council had been down this road before. Upon question of President Boyajian, Mr. Correa confirmed his position was that the ordinance would open the door to privatization.

Speaking to the issue were: Ben Rash, opposed to all privatization efforts (**9 - 0**); and Mark Scozzari, BFI, who spoke in support of the ordinance, clarified as the city continues to grow and take over more of the county his company loses more and more business to the City, and stressed this would give business owners a choice.

Councilmember Steitz emphasized this was about annexed areas and not about punishing city employees and brief discussion ensued. Councilmember Perea made a motion to table the matter, whereupon Councilmember Steitz withdrew his motion stating the next Council definitely needed to deal with the issue. Interim Public Utilities Director McIntyre responded briefly to questions of Councilmember Quintero relative to how many employees had been hired and how many trucks and containers had been purchased since the City took over Calwa and Pinedale. There was no further discussion.

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(5:00 P.M.) HEARING ON PLAN AMENDMENT BO. A-99-25, REZONING APPLICATION NO. R-99-38, AND ENVIRONMENTAL ASSESSMENT NO. A-99-25, R-99-38, TT-4911, FILED BY BONADELLE CORPORATION, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF N. WILLOW AND E. PERRIN AVENUES

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION NO. A-99-25, R-99-38, TT-4911, DATED NOVEMBER 8, 2000

2. RESOLUTION NO. 2000-383 - AMENDING THE WOODWARD PARK COMMUNITY PLAN AND THE 1984 FRESNO GENERAL PLAN (PLAN AMENDMENT NO. A-99-25)

3. BILL NO. B-83 - ORDINANCE NO. 2000-85 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AL-20 (COUNTY) TO R-1/UGM

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Councilmember Ronquillo arrived at 5:09 p.m.

Planning Manager Haro gave a brief overview of the issue and staff report as submitted displaying a map to illustrate, and along with Lisa LeBlanc, Development Director Yovino, and Mark Birbaum of Caltrans, responded to questions of Acting President Bredefeld and/or clarified issues relative to Caltrans' request from the applicant for fair share fees for improvements to the State Route, if the City was conducting a nexus study, when the study would be completed, Council's prior direction to staff for the City to conduct the study, need for Caltrans to take the lead in the study, lack of staff following through on direction, and Caltrans' request for \$140,000 as fair share fees.

Acting President Bredefeld expressed his frustration stating nexus studies and the UGM audit could not get completed, stressed it was unfair to hold developers hostage, and stated he was prepared to move the project forward and made a motion to approve staff's recommendation.

Les Peterson, Dunkel Engineering, 875 W. Ashlan, Clovis, representing Bonadelle Corporation, spoke in support of staff's recommendation and urged approval.

Upon question of Councilmember Quintero, Mr. Birbaum stated he was representing Caltrans this date, and along with Moses Stites of Caltrans, Mr. Haro and developer Farid Assemi responded to additional questions and/or clarified issues relative to the location of the subject project, if Clovis property on the east side of Willow was developed and if Caltrans' had requested fair share fees from that developer, that developer paying fees to Clovis and if city staff was aware of that payment, and paying fees if a nexus study is completed within twelve months. Councilmember Quintero seconded the motion on the floor which was acted upon after additional discussion.

Lengthy discussion ensued with Mr. Stites, Mr. Yovino, City Engineer Salazar, Interim City Manager Souza, Interim Public Utilities Director McIntyre, City Attorney Montoy and Mr. Birbaum responding to questions, comments and concerns of Councilmembers Perea, Steitz and Bredefeld relative to Caltrans' letter to the City dated 9/15/00, how their official looking letter recommending a \$140,000 assessment could be sent "for arguments sake", if Caltrans could legally defend the fee if it were imposed by the City, Caltrans' inability to impose fees, prior direction to staff to complete a study, reasons why the study could not be completed in two months, timeline to get something back to Council (**10 - 0**), what was needed to deal with Fresno only vs. regional areas, bringing something back within four months, assessing interim fees, surface water treatment plants, timeline for the northeast police substation, the Friant widening/interchange project timeline including funding and strategy for the available \$10 million, legality of Caltrans recommending fees, if funds were set aside for Freeway 168, and why an account had not been opened up to collect fees from Mr. McDonald.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Acting President Bredefeld, seconded by Councilmember Quintero, duly carried, RESOLVED, the Mitigated Negative Declaration for Environmental Assessment No. A-99-25, R-99-38, TT-4911 dated November 8, 2000, hereby approved; the above entitled Resolution No. 2000-383 approving Plan Amendment No. A-99-25 hereby approved; a change to the major street designation of N. Willow Avenue between E. Perrin and E. Shepherd from the expressway to the superarterial designation hereby approved; and the above entitled Bill No. B-83 rezoning the property adopted as Ordinance No. 2000-85, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	Boyajian
Absent	:	None

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(5:30 P.M.) HEARING ON PLAN AMENDMENT NO. A-00-13, REZONING APPLICATION NO. R-00-31, TT-4868, FILED BY GRANVILLE HOMES, INC., PROPERTY LOCATED ON THE NORTHWEST CORNER OF N. WILLOW AND E. LEAGUE AVENUES AND ON THE WEST SIDE OF N. WILLOW BETWEEN E. LEAGUE AND E. NEED AVENUES

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION NO. A-00-12, R-00-31, TT-4868, DATED NOVEMBER 8, 2000

2. RESOLUTION NO. 2000-384 - AMENDING THE WOODWARD PARK COMMUNITY PLAN AND THE 1984 FRESNO GENERAL PLAN (PLAN AMENDMENT NO. A-00-12)

3. BILL NO. B-84 - ORDINANCE NO. 2000-86 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FORM AL-20 (COUNTY) TO R-1/UGM

President Boyajian announced the time had arrived to consider the issue and opened the hearing. A motion and second was made to approve staff's recommendation.

Farid Assemi, Granville Homes, thanked Council for their consideration, commented on Council's vote last year stating he strongly disagreed with it, stated CEQA was dealt with and developers did pay their fair share, and expressed his concern with the "demonizing" of his industry stating it was not fair. Acting President Bredefeld stated the past vote was the correct one and explained, and Councilmember Steitz commended Mr. Assemi and spoke in support of the project adding he felt nothing had changed since last year

(11 - 0) Layla Tricket, 8138 N. Winery, spoke in support of the project.

Upon, no one else wished to be heard and President Boyajian closed the hearing.

Councilmember Mathys noted this was his last official vote, stated it had been a pleasure to serve, and commended the industry for their contributions. Councilmember Ronquillo commended Mr. Assemi and Mr. Wathen for their quality homes, among others. Ms. Montoy responded to questions of President Boyajian relative to whether an EIR was done and the environmental assessment ratings, and stated he was not demonizing the industry and explained.

On motion of Acting President Bredefeld, seconded by Councilmember Quintero, duly carried, RESOLVED, the Mitigated Negative Declaration for Environmental Assessment No. A-00-12, R-00-31, TT-4868, dated November 8, 2000 hereby approved; the above entitled Resolution No. 2000-384 approving Plan Amendment No. A-00-12 hereby approved; a change to the major street designation of N. Willow Avenue between E. Nees and E. Shepherd Avenues from the expressway to the superarterial designation hereby approved; and the above entitled Bill No. B-84 rezoning the subject property adopted as Ordinance No. 2000-86, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	Boyajian
Absent	:	None

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(5C) DISCUSSION REGARDING PALM LAKES GOLF COURSE - COUNCILMEMBER STEITZ

Not discussed in open session.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 6:40 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned to Wednesday, December 20, 2000, at 12:30 p.m..

APPROVED on the 9TH day of January, 2001.

ATTEST:

Tom Boyajian, Past Council President

Yolanda Salazar, Assistant City Clerk

